

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH MUSUMECI,

Docket No. 07 CV 7535

Plaintiff,

AFFIDAVIT OF SERVICE

-against-

MTD PRODUCTS INC., MTD PRODUCTS LTD.,
MTD HOLDINGS INC., MTD LLC, and
THE HOME DEPOT, INC.

Defendants.

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STATE OF NEW YORK)

COUNTY OF NEW YORK)

ss.:

The UNDERSIGNED, who is not a party to this action/ proceeding, being duly sworn, being over the age of 18 years and, having an address in care of Lynch Rowin LLP, 630 Third Avenue, New York, New York 10017, says:

On October 4, 2007 in the manner hereinafter described, true copy(ies) of the following paper(s) were served on respective attorneys for the parties at the addresses hereinafter listed:

[x] By Regular Mail

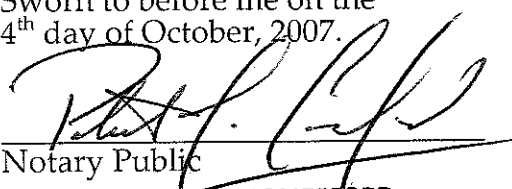
DESCRIPTION OF PAPERS (and QUANTITY where more than one copy):

Answer and Rule 7.1 Statement

ATTORNEYS/PARTIES SERVED:

TO: LARKIN AXELROD INGRASSIA & TETENBAUM LLP
Attorneys for Plaintiff, Joseph Musumeci
356 Meadow Avenue
Newburgh, New York 12550

Sworn to before me on the
4th day of October, 2007.


Notary Public

PATRICK J. COMERFORD
Notary Public, State of New York
No. 02CO5076476
Qualified in New York County
Commission Expires April 21, 2011


Meryl Weiner